

REMARKS/DISCUSSION OF ISSUES

The Office Action dated July 1, 2004 has been reviewed and carefully considered. Claims 3 and 19 are canceled. Claims 1, 2, 4-18 and 20-28 are pending, of which the independent claims remain 1, 6, 11, 16, 20 and 23-27. Claims 1, 2, 4, 5, 6, 8, 11, 13-18 and 20-25 have been amended. Independent claims 26 and 27 have not been amended. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

The Office Action rejected claims 1, 3 and 23 as allegedly anticipated under 35 U.S.C. §102(a) by "XML Fragment Interchange, W3C Working Draft, June 30 1999 (herein after "W3C"). Applicants respectfully traverse this ground of rejection.

Claim 1 has been amended to recite, "each of the at least one structure node providing a specified list that identifies the at least one content node included in its associated sub-tree."

The Office Action cites the "fcs" (5.4.3) as the structure node of the present invention, the fcs recites "fragbody," but fails to recite "the at least one content node" which language explicitly appears in claim 1 of the present invention.

For at least this reason, W3C fails to anticipate the present invention as recited in claim 1. Nor would claim 1 have been

obvious in view of the cited reference.

Claim 23 has been amended to recite the same above-quoted language of claim 1, and is likewise deemed to be patentable over the cited reference.

Support for the amendment of claims 1 and 23 is found in the specification (e.g., page 6, lines 12-16).

Reconsideration and withdrawal of this ground of rejection are respectfully requested.

The Office Action rejected claims 2, 4, 6-9, 11-14 and 16-27 under 35 U.S.C. §103(a) as allegedly obvious in view of W3C. Applicants respectfully traverse this ground of rejection.

Claims 2 and 4 depend from claim 1, and are likewise deemed non-obvious over the cited reference.

Claim 6 has been amended to recite the above-quoted language of claim 1, and is likewise deemed to be non-obvious over the cited reference.

Claim 11 as amended recites, "transmitting the generated nodes to form said continuous stream."

W3C, by contrast, is directed to affording the ability to interchange XML elements interactively (page 4, first full paragraph), and does not contemplate the processing of streaming XML documents.

For at least this reason, the cited reference fails to render obvious the present invention as recited in claim 11.

Support for the amendment of claim 11 is found in the specification (e.g., page 1, lines 5-7; page 3, lines 7-14).

Claim 16 as amended recites, "determining if each received node of the streamed XML document is a content node . . . continuing to process subsequent ones of the received nodes even if one of said received nodes is not properly received by an XML receiver."

Claim 16 is deemed to distinguish patentably over the cited reference for the same reason set forth above with regard to claim 11.

Claim 20 as amended recites, "receiving independent groups of XML sub-trees that comprise said streamed XML document . . . continuously positioning, using said received position indication, each independent group of sub-trees to reconstitute said XML document to its state before being streamed."

Claim 20 is deemed to distinguish patentably over the cited reference for the same reason set forth above with regard to claim 11.

The amendment of claims 16 and 20 finds support in the same portion of the specification cited above for claim 11.

Claim 23 is deemed to be patentable over the cited reference for the same reason set forth above, in the previous section, with regard to claim 1.

Claims 24 and 25 are apparatus claims corresponding to method claims 6 and 11, respectively, and are likewise deemed to be patentable over the cited reference.

Notably, claim 26 recites a "streamed XML document" and later recites, "recompile by reconstructing in mid-transmission at least some of the independent sub-trees of the larger XML document tree at a receiving end without receipt of all of the nodes." Accordingly, claim 26 is patentable over W3C as is, without amendment.

Notably, claim 27 recites, "streamed XML document," and is likewise patentable over W3C.

Reconsideration and withdrawal of this ground of rejection are respectfully requested.

The Office Action rejected claims 5, 10, and 15 under 35 U.S.C. §103(a) as obvious over W3C in view of Dietz (U.S. 6,175,820). Applicants respectfully traverse this ground of rejection.

Applicants respectfully submit that claims 5, 10 and 15 are allowable at least for their dependence on one of claims 1, 6 and

11, respectively, which are believed to be allowable for the reasons indicated above. The addition of Dietz to W3C still fails as a combination to disclose, suggest, or motivate the artisan such that any of the present claims would have been obvious.


Conclusion:

In light of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejections and objections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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